

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

MCOM IP, LLC

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant

Civil Action No. 6:22-cv-00261-ADA-DTG

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**CASE READINESS STATUS REPORT**

Plaintiff, MCOM IP, LLC (“MCOM” or “Plaintiff”) and Cisco Systems, Inc. (“Cisco” or “Defendant”) hereby provide the following Case Readiness Status Report in accordance with the Court’s March 14, 2022 Standing Order.

**FILING AND EXTENSIONS**

Plaintiff’s Complaint ECF No. 1 was filed on March 10, 2022. On March 18, 2022, Defendant filed their Notice Regarding Agreed Extension to Respond to the Complaint, (ECF No. 7). Plaintiff filed their Unopposed Notice of Extension to Respond to Motion to Stay (ECF No. 13) on May 2, 2022.

**RESPONSE TO THE COMPLAINT**

MCom states: Defendant had not yet answered the Complaint.

CISCO states: Defendant had not yet answered the Complaint. Defendant has filed a Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b) (ECF No. 17).

**PENDING MOTIONS**

MCOM states: Defendant’s Motion to Dismiss Complaint for Patent Infringement (ECF No. 17) is currently pending before this Court.

CISCO states: Defendant’s Motion to Dismiss the Complaint (ECF No. 17) is currently pending before this Court.

### **RELATED CASES IN THIS JUDICIAL DISTRICT**

1. 6:22-cv-00274 MCOM IP, LLC v. CIBC Bank USA;
2. 6:22-cv-00263 MCOM IP, LLC v. Temenos AG, and Temenos U.S.A., Inc.;
3. 6:22-cv-00260 MCOM IP, LLC v. JP Morgan Chase & Co.;
4. 6:22-cv-00262 MCOM IP, LLC v. Oracle Corporation (CASE DISMISSED); and
5. 6:22-cv-00256 MCOM IP, LLC v. Bank of America Corporation.

### **IPR, CBM, AND OTHER PGR FILINGS**

MCOM states: There are no known IPR, CBM, or other PGR filings.

CISCO stated: On March 7, 2022, the Patent Trial and Appeal Board (“PTAB”) instituted trial on an *inter partes* review petition (IPR2022-00055) filed by non-party Unified Patents. *See* Dkt. 11, 11-1. Pursuant to 35 U.S.C. § 316(a)(11), a final written decision will be issued by March 7, 2023.

### **NUMBER OF ASSERTED PATENTS AND CLAIMS**

Plaintiff has asserted U.S. Patent No. 8,862,508. Plaintiff has served its Preliminary Infringement Contentions, wherein Plaintiff reserves the right to designate asserted claims of the Patents-in-Suit.

### **APPOINTMENT OF TECHNICAL ADVISER**

CISCO states: Cisco requests the appointment of a technical advisor. mCom does not request the appointment of a technical advisor.

### **MEET AND CONFER STATUS**

Plaintiff and Defendant conducted a meet & confer conference on July 22, 2022, by e-mail. The parties have the issue of Cisco's motion to dismiss.<sup>1</sup> The parties are awaiting a hearing date for Cisco's motion.<sup>2</sup>

Respectfully Submitted

**Ramey, LLP**

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**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of July 22, 2022, with a copy of the foregoing via e-mail.

/s/ William P. Ramey, III

William P. Ramey, III

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<sup>1</sup> Cisco previously moved to stay this matter, alongside other defendants, pending an IPR filed by a third party. (ECF No. 11). The Court denied that motion. (ECF No. 27). Cisco has subsequently filed supplemental authority, from this Court, in which a stay was granted in circumstances similar to this case. (ECF No. 32).

<sup>2</sup> The Court had previously scheduled a hearing regarding Cisco's Motion to Dismiss on August 11, 2022, but recently canceled that hearing date. (ECF No. 31).